

1 Q All right. So --

2 A So they had them at that point.

3 Q Okay. And on the very left, I see -- if you
4 look at the page that's got the number 1429 in the
5 bottom right?

6 A Right.

7 Q Looks like there's a label poking out. So
8 you can tell there's at least two batteries in that
9 left slot on the bottom rack. Does that appear to
10 be the case to you as well?

11 A Talking about the bottom ones?

12 Q Yeah. The very bottom shelf on the left
13 appears there's -- do you see two Doosan batteries?

14 A Yeah. That makes sense, yeah.

15 MR. FINAN: Object to the form.

16 Q Okay. And then that middle battery on the
17 bottom shelf, do you know -- does that battery look
18 familiar to you as something that might have been
19 delivered by East Penn?

20 A Looks like it. Looks like our handle. And
21 it might be part of the Doosan program, but I'm not
22 sure if they bought that battery. We'd have to look
23 at the sales history to tell.

24 Q Okay. And just to be clear, you think this
25 could be a what, a Doosan battery?

1 kind of one-third of the way down.

2 A Yeah.

3 Q Okay. So you talked -- you are referencing
4 here how you slid the batteries to one side of the
5 rack. You're talking about the batteries on the
6 second shelf --

7 A Correct.

8 Q -- on the rack we just looked at?

9 A Correct, yeah.

10 Q Okay. You didn't slide the batteries on the
11 bottom shelf of that rack as part of this visit, did
12 you?

13 A No. We did not make any batteries -- we
14 didn't make a delivery of those type of batteries
15 that day. It looks like it was eight 535s and two
16 524s we delivered that day.

17 Q Okay. And so your reference here to the
18 batteries slide very easy, you're talking about the
19 batteries on the second shelf of that rack; is that
20 right?

21 A Correct.

22 Q Do you know if those Doosan batteries on the
23 bottom shelf of the rack slide easily?

24 A I don't know. I didn't slide those. I
25 didn't mess with those because those batteries

1 weren't in question.

2 Q Okay. Do you know how much those Doosan
3 batteries in the bottom shelf weigh?

4 A No. We'd have to look on the spec sheet.

5 Q Okay. Were you aware that Mr. Dorvit
6 complained about having to get on his hands and
7 knees to load this battery rack the way it was
8 situated?

9 A No.

10 Q Did Mr. Christie move any of the batteries
11 on the bottom shelf of the rack when you were with
12 him?

13 A No.

14 Q Okay. Towards the end of your e-mail, you
15 say -- you're describing a separate instance. In a
16 separate instance, I took all of the older batteries
17 off of the rack and placed on the floor so the
18 driver didn't have anything obstructing and could
19 slide all of the newer batteries to the back of the
20 rack and placed the older batteries in front. Do
21 you see that?

22 A Yeah.

23 Q Do you know when that separate instance
24 occurred in relation to this e-mail?

25 A No. Evidently it must have happened before

1 batteries are being loaded obviously, right?

2 MR. FINAN: Object to the form.

3 A I'm not exactly sure what you're asking.

4 Q Okay. Do you recall why you sent this
5 e-mail on May 30, 2019?

6 A My manager asked me to.

7 Q And your manager being Mr. DelGarbino?

8 A Yes.

9 Q Did you send the e-mail the same day that he
10 asked you to send it? Do you recall?

11 A I did.

12 MR. SPENGLER: Okay. I don't have any
13 further questions. Thank you.

14 EXAMINATION

15 BY MR. FINAN:

16 Q I have a few questions and I'll ask you to
17 leave that Exhibit 15 open and I'll direct you kind
18 of to the middle of the statement that you -- where
19 it talks about the order that was in question. It
20 says this ACT order consisted of 10 batteries being
21 eight 535MF and two 524MF. Do you see where I said
22 that?

23 A Yes.

24 Q Okay. And so was the incident that is
25 recounted in your e-mail relating only to those two

1 types of batteries?

2 A It is.

3 Q Okay. And so with respect to those two
4 types of batteries -- and if you look back at
5 Exhibit 42 in the pictures, if you look at the Bates
6 numbering on the bottom, 1428 is the picture that
7 I'd like you to take a look at?

8 A Okay.

9 Q Are all of those 10 batteries located on the
10 second shelf up from the ground?

11 A They are.

12 Q All right. None of the batteries in
13 question in this incident were the ones that are on
14 the very bottom rack, the Doosan batteries, correct?

15 A Correct.

16 Q So in regard to this entire incident in
17 which Mr. Dorvit declined to perform his job, were
18 the batteries in question all located on the second
19 shelf up?

20 MR. SPENGLER: Object to form.

21 A Correct.

22 Q Did this particular incident involve any
23 batteries on the very bottom shelf?

24 A No.

25 Q With respect to the pictures that are taken

1 know.

2 Q Okay. Are you aware of anybody else
3 delivering to Atlantic Coast Toyota Lift around this
4 time other than Mr. Dorvit?

5 A I don't know.

6 MR. SPENGLER: Okay, all right. No
7 further questions.

8 EXAMINATION

9 BY MR. FINAN:

10 Q Just a couple follow-ups with regard to the
11 same series of events that's described in your
12 statement shown as exhibit -- on the last page of
13 Exhibit 15. I just want to be clear and make clear
14 for the record that -- did any of the batteries
15 shown on the bottom shelving rack on Exhibit 42,
16 Bates 1428, the Doosan batteries, was there any of
17 those batteries on the very bottom shelf that was
18 involved in any way at all in the incident that
19 ultimately led to Mr. Dorvit's termination of
20 employment with East Penn?

21 A No.

22 MR. FINAN: That's all the questions I
23 have. Is that it?

24 MR. SPENGLER: That's it.

25